

30-3-11.4, as last amended by Laws of Utah 2018, Chapter 470

ENACTS:

30-3-11.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-3-10.8** is amended to read:

30-3-10.8. Parenting plan -- Filing -- Modifications.

(1) In any proceeding under this chapter, including actions for paternity, a party requesting joint custody, joint legal or physical custody, or any other type of shared parenting arrangement, shall file and serve a proposed parenting plan at the time of the filing of ~~[their original petition or at the time of filing their answer or counterclaim.];~~

(a) the original petition by the party; or

(b) the answer or counterclaim by the party.

(2) In proceedings for a modification of custody provisions or modification of a parenting plan, a proposed parenting plan shall be filed and served with:

(a) the petition to modify[;]; or

(b) the answer or counterclaim to the petition to modify.

(3) (a) Except as provided in Subsection (3)(b) and except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, if a party files a petition to modify ~~it~~ → [a parenting plan, the court may not grant the motion] under Subsection (2) that may result in modification of a parenting plan, the court may not grant the petition ← ~~it~~ to modify until both parties have:

(i) attended the mandatory educational course described in Section 30-3-11.5; and

(ii) presented a certificate of completion for the mandatory educational course to the court.

(b) The court may waive the educational course requirement under Subsection (3)(a), on the court's own motion or on the motion of a party, if the court determines that course attendance and completion are not necessary, appropriate, feasible, or in the best interests of the parties.

(c) If the court waives the educational course requirement under Subsection (3)(b), the court may proceed with the modification action.

~~[(3)]~~ (4) A party who files a proposed parenting plan in compliance with this section may move the court for an order of default to adopt the plan if the other party fails to file a